

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**Gather of Excess Wild Horses  
Inside of the Piceance-East Douglas Herd Management Area**

**DOI-BLM-CO-N05-2020-0056-EA**

### **Background**

The most recent wild horse aerial inventory of the Piceance-East Douglas Herd Management Area (PEDHMA) and locations outside of the PEDHMA, conducted in February 2016, found that there were approximately 337 wild horses located within the PEDHMA at that time. With an estimated recruitment rate of 20 percent for the years 2016 through 2020 the population could reach 838 wild horses by December 31, 2020.

This action is required for BLM to comply with its statutory duties to remove excess wild horses from the PEDHMA. After the review of inventories, the White River Resource Management Plan and all applicable Resource Management Plan Amendments, and other information in accordance with The Wild Free-Roaming Horses and Burros Act of 1971, as amended, the BLM has determined that excess wild horses exist on the public and private lands located within the PEDHMA requiring they be gathered and removed. At the current number, the wild horses are impacting the landscape and the ability to maintain a thriving, natural ecological balance and multiple-use relationship in the area. Applicable statutes and regulations<sup>1</sup> require removal when BLM determines that excess animals exist.

Therefore, the purpose for this action is to remove excess wild horses down to the low end of the Appropriate Management Level (135-235) that reside within/inside of the PEDHMA in accordance with The Wild Free-Roaming Horses and Burros Act of 1971 and in order to comply with existing Land Use Planning<sup>2</sup> decisions set forth in the White River Resource Management Plan (Record of Decision, July 1997).

As provided in 16 USC § 1332 (f) and the BLM Manual, 4710.12, the term "excess animals" includes wild free-roaming horses or burros which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area and to manage wild horses within designated management areas.

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<sup>1</sup> E.g., 43 CFR 4720.1 (stating that the authorized officer "shall" remove excess wild horses).

<sup>2</sup> 16 U.S.C. §1333(b)(2)

## **Finding of No Significant Impact**

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27<sup>3</sup> and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

### ***Context***

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. This Environmental Assessment (EA) specifically considers the methods to be used to gather excess wild horses that reside within/inside of the PEDHMA along with conducting fertility control treatments. The BLM is preparing this EA to disclose and analyze the environmental consequences of the methods used to gather excess wild horses and conduct fertility control treatments in compliance with the National Environmental Policy Act (NEPA).

For this project, BLM would conduct most, if not all, of the necessary activities on previously disturbed lands which would be expected to impact minimal acreage (less than 50 acres) in the short-term. Design features are included in the Proposed Action to minimize impacts to resources, along with monitoring design features on all lands. Existing disturbances within the analysis area include: grazing by livestock, wild horses and wildlife; and construction and/or maintenance associated with range improvement projects; vegetation treatments; and both wildfires and prescribed burns. Energy development in the area was initiated decades ago with most development occurring in the last 15 years.

Affected interests for this project may include wild horse special interest groups, energy facility operators, grazing permittees, and people who use the area for recreation.

### ***Intensity***

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

#### **1. Impacts that may be both beneficial and adverse.**

Beneficial and adverse effects of the Proposed Action and alternatives were described in the EA. Design features to reduce potential short-term impacts to soils, distribution of invasive non-native species, sensitive plants, migratory birds, wildlife, cultural and paleontology are identified in the Proposed Action.

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<sup>3</sup> References to the CEQ regulations throughout this EA are to the regulations in effect prior to September 14, 2020. The revised CEQ regulations effective September 14, 2020 are not referred to in this EA because the NEPA process associated with the proposed action began prior to this date.

Beneficial impacts from the project include the reduction of range deterioration due to the presence of high numbers (over AML) of wild horses residing within the PEDHMA. Implementation of the project, especially the fertility control treatments, would aid in the ability of BLM to potentially reduce the annual recruitment rate associated with the wild horses within the PEDHMA over the life of this 10-year plan.

## **2. The degree to which the Proposed Action affects public health or safety.**

Gather operations and fertility control treatments would comply with the BLM's safety policies and guidelines, and other federal, state, and local laws. The potential for risks to public health and safety would be low, however, if they occurred, would occur over limited, brief periods.

## **3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, special status plant species, or ecologically critical areas.**

There are no park lands or wild and scenic rivers in or adjacent to the project area.

Prime farmlands would be protected by the design features. Utilizing the best management practices (i.e., waddles, silt fencing, etc.) to ensure minimal erosion at trap sites.

Cultural resources would be protected by the design features. Trap locations would be placed on previously disturbed sites or would have cultural clearances completed prior to construction; trap sites would be relocated to avoid impacts to cultural resources.

Any traps placed within an Area of Critical Environmental Concern (ACEC) would be limited to areas of existing disturbance and would be placed in a manner that would not impact resources for which the ACEC has been designated. Until the BLM makes a decision (through a land use planning process) on whether or not to designate the one potential ACEC within the gather area the BLM would place traps in the same manner as within the designated ACECs.

## **4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.**

No highly controversial possible effects of the Proposed Action were identified in the EA. "Whether a proposed action is 'likely to be highly controversial' under 40 CFR 1508.27(b)(4) is not a question about the extent of public opposition, but, rather, about whether a substantial dispute exists as to its size, nature, or effect." *Missouri Coalition for the Environment*, 172 IBLA 226, 249 n.23 (2007). *See also* 43 CFR 46.30 ("Controversial refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed.") The Proposed Action is to remove excess horses from within the PEDHMA down to the low end of the Appropriate Management Level (AML at 135-235) and includes the use of fertility control treatments to aid in reducing the annual recruitment rate. Over the decades, approximately 40 such gather operations have occurred in areas both within and outside of the PEDHMA. The potential effects of the gather operations and the removal of wild horses from designated management areas are well understood.

**5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.**

The project is not unique or unusual in this area. Over the decades, approximately 40 such gather operations have occurred in areas both within and outside of the PEDHMA. No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

**6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. This decision is not precedent setting. The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and impacts from gather operations have been previously evaluated in several EAs: CO-110-2006-030-EA, CO-110-2006-166-EA, DOI-BLM-CO-110-2010-0089-EA, DOI-BLM-CO-110-2011-058-EA, DOI-BLM-CO-N05-2015-0023-EA, DOI-BLM-CO-N05-2015-0024-DNA, and DOI-BLM-CO-N050-2017-0056-EA.

Impacts from the Proposed Action are not predicted to exceed previously disclosed impacts and an EIS is not required. This decision does not entail any known issues or elements that would create a precedent for wild horse gather methods. The decision does not represent a decision in principle about a future consideration.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The analysis contained in the EA did not reveal any significant cumulative effects. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant new cumulative effects are not expected.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

No potential impacts to those portions of Canyon Pintado National Historical District or other cultural sites have been identified within the project area. Per the design features included in the EA, all traps and temporary holding facilities would be located on previously disturbed sites or surveyed for cultural resources prior to placement. Bait trapping would also avoid all known cultural sites and the trap sites themselves would not cause any impacts to known cultural sites.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.**

There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are two threatened plant species known to exist in the PEDHMA. Inventories have been conducted for these and other special status plant species within the analysis area. The BLM would conduct surveys for special status plant species in locations where potential exists for them to occur prior to trap placement. If necessary, traps would be relocated or modified to avoid special status plant species. Current monitoring data has shown wild horses have very little effects on special status plant species populations, which are located within the WRFO predominately on barren shale outcrops.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Neither the Proposed Action or alternatives nor impacts associated with the Proposed Action or alternatives it would with it violate any laws or requirements imposed for the protection of the environment.